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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifteenth session

SUMMARY RECORD OF THE 381st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 26 May 1997, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Bangladesh (continued) (CRC/C/3/Add.38 (English only) and CRC/C/3/Add.49; CRC/C/Q/BAN/1) (List of issues to be taken up in connection with the consideration of the initial report of Bangladesh); written replies by Bangladesh to the questions on the list of issues (document without a symbol distributed in the meeting room in English only)

1. At the invitation of the Chairperson, the delegation of Bangladesh took places at the Committee table.

2. The CHAIRPERSON invited members of the Committee to continue their consideration of the "General measures of implementation" and to begin the "Definition of the child" and "General principles".

3. Mr. RABAH said that he wondered whether the Bangladesh authorities were working to change attitudes in Bangladesh society, for example by ensuring observance of the principle of non-discrimination between boys and girls in matters of inheritance. Again, what measures were the authorities taking to make sure that the minimum age for admission to employment was respected? It would also be interesting to know whether there was an extensive problem with street children in Bangladesh, and if so, whether the authorities had taken steps to combat it.

4. Mr. FULCI asked whether specific steps had been taken to consolidate all child-related legislation into a single code and asked for details of the new developments mentioned by the delegation in connection with intercountry adoption.

5. Mrs. OUEDRAOGO asked whether the Government had begun discussions on Bangladesh's reservations to the Convention. She would also like to know the exact status of the National Action Plan for child development.

6. Mrs. SARDENBERG asked whether the National Policy on Children was going to be revised to take the provisions of the Convention into account, for example whether it would apply to all children under 18 years of age. She would also appreciate information on progress in institutional arrangements concerning children. She commended the Bangladesh authorities on their cooperation with UNICEF, UNESCO, ILO and WHO, and with many NGOs, which was crucial to changing attitudes and combating prejudice among the population. In that connection, she would like to know whether the NGOs were fully independent and free to work anywhere in the country. She would also appreciate information on how the Government and the NGOs worked together to implement the Convention. Lastly, she asked whether the Bangladesh delegation could provide more details on the role of the Ministry of Finance in activities relating to the implementation of the Convention.

7. Mr. KOLOSOV, referring to paragraph 49 of the report (CRC/C/3/Add.38), said that the Bangladesh Constitution prohibited discrimination on a number of grounds. Yet the list of grounds contained in the Convention was much longer and it was not exhaustive. For that reason, it would be useful for the

general child-related legislation shortly to be adopted to contain provisions reflecting that list. According to the Islamic law in force in Bangladesh, marriageable age was apparently 12 years for girls and 15 or 16 for boys. The Convention, however, provided for no exceptions to the principle of equality between the sexes. It was true that it would take time to change social attitudes, which apparently favoured boys in Bangladesh, but it was also true that changing attitudes required changes in legislation.

8. According to paragraph 63 of the report (CRC/C/3/Add.38) some births were not registered due to lack of awareness. In that regard, Bangladesh might profit from the experience of other countries, which hired students to travel throughout the country during their holidays to explain to parents the importance of registering births.

9. According to paragraph 67 of the report (CRC/C/3/Add.38), children took their father's nationality. It was possible for a child to be stateless, however, for example when the father was unknown. Provisions should therefore be adopted to fill gaps in the existing legislation.

10. Mrs. MOKHUANE asked to what extent the best interests of the child were taken into consideration in cases of rape. Did the delegation have statistics on rape? What proportion of the budget was allocated to training judicial personnel in the provisions of the Convention? Similarly, were there statistics on violence against children in the family, had any studies been conducted and were prevention programmes in place?

11. Mrs. MBOI said there were two potential risks involved in assigning one ministry for matters relating both to women and to children. The idea that children were the exclusive responsibility of women, rather than society as a whole, might be reinforced. In addition, a State ministry might not have a grasp of the concrete aspects of the daily lives of the people for whom it was responsible. What was the Bangladesh delegation's opinion on the subject?

12. According to paragraph 64 of the report (CRC/C/3/Add.38), illegitimate or out-of-wedlock births were rare in Bangladesh. Yet, throughout the world, sexual relations out-of-wedlock, whether permitted or not, were not uncommon. What would happen if a girl between 15 and 18 years of age was raped and gave birth to a child as a result? How would the child's rights be protected? Moreover, did the Bangladesh authorities have statistics on abortions among teenage girls?

13. Mrs. KARP said she gathered that the provisions of the Convention were to be included in school curricula and teaching materials were to be prepared for that purpose. In that regard, it was generally difficult to introduce the study of the rights of the child into school curricula without training teachers first. She would also like to know how the mechanisms for coordinating children's welfare activities functioned. Similarly, Bangladesh's written replies indicated that two different agencies were in charge of coordinating international assistance. How were the activities of the two agencies coordinated and what mechanisms were applied to ensure optimum use of the resources provided by international assistance?

14. She asked whether Bangladesh had an institution independent of the Executive - such as an Ombudsman - for receiving and processing complaints from children and recommending solutions, whether children were entitled to lodge complaints without their parents' consent and whether steps were taken to encourage them to demand their rights. She would also like to know whether Bangladesh was planning to take steps to establish a generalized birth registration system, in urban and rural areas, as it was difficult to apply the provisions on juvenile justice, marriage age or compulsory schooling without knowing the children's age.

15. Was the system whereby children were identified by their father's name based on religious considerations or tradition and would the reform process include the introduction of a new system so that a child could bear his mother's name if necessary? She would also like to know what was being done to enforce the law setting the minimum age for marriage at 18 for girls and to prevent girls from marrying too early, as in traditional marriages.

16. The written replies indicated that the Bangladesh Government intended to encourage the education of girls and had announced its intention of making education for girls free through the higher secondary level. Had budgetary allocations been made and had a strategy been defined for that purpose? She also noted that the age limit for compulsory schooling was currently 10 years in Bangladesh and wondered whether there were plans to raise it, especially as the minimum age for admission to employment was 13, which meant that there was a gap between the two age limits. She also asked whether the legislative reform now under way would include raising the age of criminal responsibility, currently 7 years - which was very young - and to increase the age at which a young person became subject to the law and the penalties applicable to adults from 16 to 18, to meet the requirements of the Convention.

17. She inquired whether the reform process would include prohibiting corporal punishment in schools and whether a public debate was planned to convince parents to put an end to corporal punishment. She would also like to know whether there was a mechanism enabling children who were the victims of police brutality to lodge complaints and obtain compensation and, if necessary, receive rehabilitative treatment. There was an obvious contradiction in the general attitude, which consisted, on the one hand, of treating even very young children as adults who did not stand in need of protection once they were able to meet their own needs and, on the other, denying them the right to be heard. In that connection, she asked whether Bangladesh intended to take steps to enforce the fundamental right of children to be heard.

18. Mrs. PALME noted that the age for marriage in Bangladesh was 18 for girls and 21 for boys, which was inconsistent with the principle of equal rights for girls and boys. According to the information provided, a girl under 14 was not considered able to give her consent to sexual relations. However, very young girls did have unwanted births, which was why it was important to provide training in reproductive health while conducting prevention campaigns for young people.

19. Children in conflict with the law were another major subject of concern, but none of the documents submitted by Bangladesh said anything about providing children with legal aid. She would therefore like to know steps had

been taken in that regard, in accordance with the Convention, especially as indigent children were most often the ones who became involved in crime and ended up in custody or prison, sometimes when they were very young.

20. Mr. RABAH asked what the procedure was in Bangladesh for determining a child's age, in view of the lack of a system for registering births. As to juvenile justice, he would like to know whether juvenile offenders were separated from adult prisoners, whether reform schools existed, in particular for young prostitutes, and if so, how such establishments operated. He would also like to know what the penalties were for police officers guilty of brutality towards minors in custody and what means were available to the victims to obtain compensation. Lastly, since Islamic law prohibited abortion, he would like to know whether abortion was nonetheless possible in Bangladesh under certain conditions, as it was in other Islamic countries.

21. Mrs. OUEDRAOGO asked whether there were marriages between members of the same extended family, for example between cousins, and if so, whether such marriages took place at the parents' initiative, with the children's consent and in accordance with Islamic law.

22. Noting that, according to the report, polygamy was one of the reasons why children were abandoned, she asked what remedies were available to such children. She would also like to know how the family planning programme was implemented in a predominantly Muslim country like Bangladesh, whether the programme was producing favourable results and whether it was used to discourage young people from practising polygamy. In addition, she inquired about the children's status if the parents divorced, whether, once they reached a certain age, they were allowed to participate in decisions that affected them, and whether mothers had the right to remarry after being divorced or widowed. Was a widow bound to marry one of her deceased husband's brothers, and if so, what was the status of the children of such marriages? Lastly, on the sharing of parental responsibilities, she would like to know what power the father had over his children, in particular if he had emigrated abroad.

23. Mr. FULCI asked whether projects were conducted, with assistance from UNICEF or NGOs, to care for street children, and what happened to the 95 per cent of Bangladesh orphans who could not be accommodated by the country's private and public orphanages.

24. The CHAIRPERSON asked what was done to safeguard the rights of children belonging to minorities, in particular the ethnic groups living in the Chittagong Hill Tracts, and to avoid discrimination against them, in fulfilment of the provisions of the Convention. According to the information provided, legislative measures had been adopted to enforce the principle of the best interests of the child, but she would like to know whether there had been a public debate on the issue and whether the principle was systematically applied in practice. She was concerned about the problem of failure to register births, and particularly its impact on access to social services, preservation of the child's identity, the child's right to vote when the time came and the child's protection as far as abduction or illegal arrest was concerned.

The meeting was suspended at 4.35 p.m. and resumed at 4.50 p.m.

25. Mr. HUSAIN (Bangladesh), replying to the question on lack of equality in respect of inheritance, said that the Prime Minister herself had launched a debate on the issue by saying that, if that difference had not existed, the preference of families for boys would not exist either. The question was now being discussed openly and the Law Reform Commission, which examined amendments to the legislation, would probably be announcing its findings within the next six months.

26. The elimination of child labour was the subject of a plan of action and public debates and workshops, but ran up against the obstacle of demand. Until circumstances were such that the Action Plan could be implemented, a memorandum of agreement between the representatives of the clothing industry, the Government, UNICEF and ILO provided for measures on safety in the workplace, education and health, which was a step in the right direction.

27. Mr. CHOWDHURY (Bangladesh) said that the principles of the Shariah were of a personal nature and it was the laws enacted by Parliament, which were often very different, that prevailed.

28. Mr. SIDDIQUE (Bangladesh), reverting to the issue of child labour, said that it was prohibited for children under 15 years of age to work in industry. On the matter of juvenile justice, the 1974 Children's Act, represented progress in that it stipulated that a juvenile offender was to be tried by a children's court, that his case was to be separated from that of adults with whom he might have committed the offence, that he was entitled to bail and that if found guilty he was to be placed in a reformatory attached to the Ministry of Social Welfare.

29. Mr. HUSAIN (Bangladesh) pointed out that 48 per cent of the population, i.e. more than 120 million people, were under 15 years of age. Bangladesh's problems, therefore were, with the young rather than the old. In an attempt to save the street children, the country was cooperating with, among others, Switzerland and many NGOs which sought out children in public places such as railway stations, and tried to convince them to stay at special centres where they would be given training so that they could earn a living. Unfortunately, for many of them the adjustment to a structured life was too difficult, as was reintegration in their communities, which rejected them. The goal, therefore, was empowerment of the communities and the children.

30. As to the question on intercountry adoptions, the Law Reform Commission, which was studying the relevant bill, had not yet announced its conclusions. Until such time as the international community became a genuine global village, intercountry adoptions would continue to present problems.

31. A debate was under way on withdrawing the reservations to article 14, paragraph 1 and article 21 of the Convention, and he was able to state that it would definitely be done by the end of the century. It would mark a stage in furthering the policy on children, which was not static and permanent in nature, but constantly being adapted to needs as assessed by the National

Action Plan for Child Development, and which sought to achieve the Plan's objectives, namely reducing infant mortality, increasing literacy and education, especially for girls, and eliminating child labour.

32. As to the institutional framework for child-related activities, the Bangladesh Children's Academy attended to children's spiritual development. The Academy was independent, in other words not attached to the Government, and was already operating in 64 districts and 6 sub-districts. Under the Fifth Five-Year Plan, its activities would be extended to the country's 480 sub-districts, and because of limited material and human resources it worked in association with a body specifically responsible for the implementation of the Convention. There would be a Director-General for Children's Affairs, as there was for women's affairs, and an Interministerial Committee or National Council for Children's Affairs, which would monitor the activities of the bodies responsible for each aspect of children's development. Those bodies included the Ministry of Social Welfare and the Ministry of Women and Children's Affairs, which were two separate entities, each headed by a Secretary, but administered in each case by a State Minister. The Interministerial Committee, consisting of representatives of all the ministries concerned, together with six members of Parliament appointed by the Prime Minister and representatives of the principal NGOs, was very powerful. It would be responsible for quarterly evaluations of the multisectoral programmes to be implemented on a decentralized basis, and would submit its findings to the Prime Minister.

33. With reference to the questions on cooperation with other United Nations bodies such as UNICEF, UNESCO and ILO, and with NGOs and society at large, one example was the multisectoral programme to combat the traffic in children, prepared with UNICEF, ILO and USAID assistance. The programme was primarily aimed at training and sensitizing the police and teaching the people ways, some very simple, such as not washing away the traces of rape, to effectively protect children. Another multisectoral project, to combat violence against women and the traffic in women, was also being prepared in cooperation with, inter alia, DANIDA, UNDP, ILO and UNICEF. It concerned the establishment of laboratories - there was only one chemical laboratory in the entire country, centres for accident victims, reintegration centres and shelters other than police stations for victims of violence, for the purpose of avoiding police brutality. The programmes were implemented by the NGOs, which played a specific, leading role.

34. By law it was compulsory for parents to register births, but the law did not lay down penalties and it was therefore difficult to enforce. Local authorities, and, if necessary, primary school teachers, would henceforth be responsible for registering births, which would make it easier for parents to fulfil that obligation.

35. In Bangladesh, children took the father's nationality, even if he was married to a foreigner. If the mother alone was Bangladeshi, however, the child did not automatically have Bangladeshi nationality. The Ministry of Women and Children's Affairs had asked the Department of Immigration, which was part of the Ministry of the Interior, to propose amendments to the law to enable a child born out of wedlock to a Bangladeshi father to be given Bangladeshi nationality. Under agreements concluded with the United States

and the United Kingdom, inter alia, a citizen of Bangladesh could have two nationalities, which should lead to a decline in the number of stateless children in Bangladesh. Lastly, there was an institution in Dhaka, the "Home for the Little Dear Children", which took in abandoned children, placed them in orphanages and registered them in primary schools. It was sponsored more particularly by the Ministry of Women and Children's Affairs.

36. He assured the Committee that on his return he would see to it that the Government issued an order making it obligatory for the father's and mother's names to appear on identity papers.

37. Mr. SIDDIQUE (Bangladesh) said that the Parliament would soon be enacting a law under which the father of a child born out of wedlock would have to provide for the child until he or she reached the age of majority.

38. Mr. HUSAIN (Bangladesh) said that, although abortion was illegal in his country, induction of menstruation, which could have the same effect, was authorized. The Ministry of Education had also established a multidisciplinary committee to make changes in primary and secondary education and teacher-training programmes to incorporate the basic points of the Convention. Thus, children, especially girls, would learn about their rights at a very early age. In addition, 2,000 workshops were being set up at the local level to make children aware of the rights set forth in the Convention. Finally, the authorities now had more accurate data on children and could allocate resources and international assistance for children more effectively. The Committee ought to be informed of the results of the budgetary policy by the end of the year.

39. Mr. SIDDIQUE (Bangladesh) said that a law had been enacted establishing the office of the Ombudsman. In addition, the Bangladesh Human Rights Commission, which was an independent body, would be starting up soon.

40. Mr. HUSAIN (Bangladesh) invited the members of the Committee to consult Bangladesh's initial and supplementary reports on the question of early marriages. He acknowledged that the age of criminal responsibility should be raised. Nevertheless, minors in conflict with the law were no longer handed over to the police, which meant that they were no longer exposed to police brutality. Before being brought to court, they were held at children's homes, under the supervision of district judges, and they could only be questioned by the police in the judges' presence. Convicted minors were placed in reformatories. Children could not be sentenced to death or to life imprisonment. However, as the structural adjustment policies did not allow for allocation of sufficient resources to the social sector, juvenile offenders were often incarcerated along with adults. Parliament was considering the adoption of a law making police officers liable to capital punishment if found guilty of severe ill-treatment of minors in custody.

41. The CHAIRPERSON said that the Bangladesh delegation would continue to answer the Committee's questions at the next meeting.

The meeting rose at 6.05 p.m.